

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

United States of America,	)	
	Plaintiff,	)
vs.	)	Case No. 06-5016-01-CR-SW-FJG
J. Jesus Tello-Martinez,	)	
	Defendant.	)

**ORDER**

Pending before the Court is defendant's motion to suppress evidence (Doc. #19), filed August 7, 2006, and the government's response thereto (Doc. #24), filed August 24, 2006.

On October 4, 2006, Chief United States Magistrate Judge James C. England an evidentiary hearing on the pending motion to suppress. Thereafter, on October 30, 2006, the Chief Magistrate entered a report and recommendation (Doc. #29) which recommended denying the above-mentioned motion. No exceptions to Magistrate England's report and recommendation were filed.

The Court, after independent review of the record and applicable law, adopts and incorporates by reference herein, the magistrate's discussion and conclusions. Therefore, the Court finds that defendant's motion to suppress evidence (Doc. #19), filed August 7, 2006, must be denied.

Accordingly, it is

ORDERED that the magistrate's findings and conclusions are hereby adopted and incorporated herein by reference. It is further

ORDERED that defendant's motion to suppress evidence (Doc. #19), filed August 7, 2006, is denied.

/s/Fernando J. Gaitan, Jr.  
Judge Fernando J. Gaitan, Jr.  
United States District Judge

Dated: December 18, 2006  
Kansas City, Missouri